

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB(LRBx1187/1))

Received: **02/10/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Pridemore (608) 267-2367**

By/Representing: **Bill**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pridemore@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Criteria to apply to opening dams

Instructions:

Make sure it applies to when a dam is opened and all water let out so that it is not in use any more

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 02/16/2005	wjackson 02/17/2005	jfrantze 02/17/2005	_____	lnorthro 02/17/2005	lnorthro 02/17/2005	

FE Sent For:

<END>

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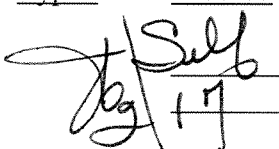
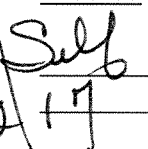
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<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0117/m1

MGG:f:....

Wlj

soon

D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 2005 ASSEMBLY BILL (LRB-1187/1)

- 1 At the locations indicated, amend the bill as follows:
- 2 ✓ 1. Page 1, line 2: delete that line and substitute: "and opening of dams."
- 3 ✓ 2. Page 2, line 1: after "remove" insert "or permanently open".
- 4 ✓ 3. Page 2, line 1: after "removed" insert "or permanently opened".
- 5 ✓ 4. Page 2, line 3: after "removal" insert "or opening".
- 6 ✓ 5. Page 2, line 4: after "removal" insert "or opening".
- 7 ✓ 6. Page 2, line 5: substitute "the removal or opening is started" for "beginning
- 8 the removal".
- 9 ✓ 7. Page 2, line 6: substitute "thereof of the dam" for "thereof".
- 10 ✓ 8. Page 2, line 8: after that line insert:
- 11 "SECTION 1m. 31.253 (title) of the statutes is amended to read:

1 **31.253 (title) Dam removal removals and openings; opportunity for**
2 **hearing.** ^{inert}

History: 1983 a. 507; 1985 a. 182 s. 57.

3 ✓ **9.** Page 2, line 11: after "removal" insert "or the permanent opening".

4 ✓ **10.** Page 2, line 12: after "removal" insert "or opening".

5 ✓ **11.** Page 2, line 13: after "removal" insert "or opening".

6 ✓ **12.** Page 2, line 14: after "removal" insert "or opening".

7 ✓ **13.** Page 2, line 15: after "removal" insert "or opening".

8 ✓ **14.** Page 2, line 18: substitute "deems considers" for "deems".

9 ✓ **15.** Page 2, line 18: after that line insert:

10 ^{Bm}
 ~~SECTION 3.~~ **31.253 (2)** of the statutes is amended to read:

11 **31.253 (2) OPPORTUNITY FOR HEARING PRIOR TO COURT ACTION.** Except as provided
12 under sub. (4), a court may not order or authorize the removal or permanent opening
13 of a dam in an enforcement action under this chapter unless a public informational
14 hearing or an opportunity for a public informational hearing was provided.

History: 1983 a. 507; 1985 a. 182 s. 57.

15 ^{Bm}
 ~~SECTION 4.~~ **31.253 (3)** of the statutes is amended to read:

16 **31.253 (3) PUBLIC INFORMATIONAL HEARING.** If the department conducts a public
17 informational hearing under this section, the department shall explain the basis for
18 its decision to seek or cause the removal or permanent opening of the dam, the
19 procedures which will be followed and opportunities for citizen involvement in those
20 procedures and the department shall provide an opportunity for citizens to present
21 comments, testimony and evidence concerning the removal or permanent opening of

1 the dam. Notwithstanding s. 227.42, this hearing may not be converted or treated
2 as a contested case.”.

History: 1983 a. 507; 1985 a. 182 s. 57.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa011773dn
MGG:.....

Wlj

Please review this draft carefully to ensure that it is consistent with your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0117/1dn
MGG:wlj:jf

February 17, 2005

Please review this draft carefully to ensure that it is consistent with your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215